

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

FILED BY Cas D.C.

2005 JUL 22 PM 2: 53

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
WD OF TN, MEMPHIS

**JEFF WOODARD, et al.,**

**Plaintiffs,**

**Civil Action No: 03-2781 DP  
JURY TRIAL DEMANDED**

**vs.**

**GEORGE M. LITTLE, et al.,**

**Defendants.**

**FILED BY**

**AUG 29 2005**

Thomas M. Gould, Clerk  
U. S. District Court  
W. D. OF TN, Memphis

**PLAINTIFFS' MOTION TO SET ASIDE  
DISMISSAL WITH PREJUDICE AND  
MEMORANDUM IN SUPPORT**

Plaintiffs, by and through their counsel, moves the Court to reinstate the above-styled and numbered matter, and in support state the following:

1. That there are three cases pending Jeff Woodard, et al., v. George M. Little, et al., Civil Action No. 03-2781 DP; Jeff Woodard v. George M. Little, et al, Civil Action No. 03-2095 MaV; and Woodard, et al v. George M. Little, et al, Civil Action No. 04-2598 BP

2. That a clerical error was made when an Order of Dismissal With Prejudice was prepared and submitted to the Court using the wrong Civil Action No. 03-2781 DP.

**MOTION GRANTED**

DATE: 8/29/2005

**BERNICE BOUIE DONALD  
U.S. DISTRICT JUDGE**

This document entered on the docket sheet in compliance with Rule 58 and 29(a) EDCP on 9/7/05

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3. That the correct Civil Action No. for dismissal should have been No. 03-2095 MaV.

4. That this clerical error will not prejudice the Defendant.

**MEMORANDUM OF AUTHORITIES**

Plaintiffs rely upon Rules 59 and 60, Federal Rules of Civil Procedure. Rule 59 provides for a motion to alter or amend a judgment, so long as the motion is filed within ten (10) days of the entry of the judgment, as in the instant case.

Rule 60 provides for relief from judgment arising from clerical mistakes, mistakes, and inadvertence. As to Cause No. 03-2095, both attorneys believed that the order submitted was correct, but the proposed order reflected the wrong docket number.

Upon learning of the error, counsel for Defendant contacted Plaintiffs' counsel, and the attorneys agreed that the instant motion should be filed to correct the inadvertent error.

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff moves the Court for an order reinstating the above-styled and numbered matter. Defendant will not be prejudiced thereby.

Respectfully Submitted

By: 

Kathleen L. Caldwell, #9916  
2080 Peabody Avenue  
Memphis, TN 38104  
Telephone: (901) 274-2075  
Facsimile: (901) 274-2085

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing **Plaintiffs' Motion to Set Aside Dismissal With Prejudice and Memorandum in Support** has been served by US Mail, postage paid, to the following:

**M. Dell Stiner, Esq.**  
**147 Jefferson Avenue, Suite 1205**  
**Memphis, TN 38103**

**Herbert E. Gerson, Esq.**  
**David P. Knox, Esq.**  
**FORD & HARRISON**  
**795 Ridgeland Blvd., Suite 300**  
**Memphis, TN 38120**

This the  day of July, 2005.

  
Certifying Attorney



## Notice of Distribution

This notice confirms a copy of the document docketed as number 40 in case 2:03-CV-02781 was distributed by fax, mail, or direct printing on September 7, 2005 to the parties listed.

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M. Dell Stiner  
THE WHARTON FIRM  
147 Jefferson Avenue  
Ste. 1205  
Memphis, TN 38103

David P. Knox  
FORD & HARRISON, LLP- Ridge Lake Blvd.  
795 Ridge Lake Blvd.  
Ste. 300  
Memphis, TN 38120

Herbert E. Gerson  
FORD & HARRISON, LLP- Ridge Lake Blvd.  
795 Ridge Lake Blvd.  
Ste. 300  
Memphis, TN 38120

Kathleen L. Caldwell  
LAW OFFICE OF KATHLEEN L. CALDWELL  
2080 Peabody Ave.  
Memphis, TN 38104

Honorable Bernice Donald  
US DISTRICT COURT